

**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows:

1. (Currently Amended) A composition comprising:
  - a carrier;
  - a an encapsulated capsaicin;
  - an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;
  - lauryl methyl esters of amino acid;
  - a light scattering element having a particle size up to 100 nm; and
  - an oil based alcohol.
2. (Original) The composition of claim 1, wherein the oil based alcohol is selected from the group, benzyl alcohol, butylene glycol, propylene glycol alcohol benzoate, benzene methanol and a hydroxy toluene.
3. (Currently Amended) A composition comprising:
  - a carrier;
  - a an encapsulated capsaicin;
  - an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;
  - lauryl methyl esters of amino acid;
  - a light scattering element having a particle size up to 100 nm; and
  - an emulsifying agent.

4. (Previously Amended) The composition of claim 3, wherein the emulsifying agent is selected from the group comprising: polysorbitol, sorbitol, glycerine, and corn syrup.
5. (Original) The composition of claim 1, wherein the carrier is selected from the group comprising: aqueous carriers, oil based carriers, fat based carriers, and fatty alcohol based carriers, corn oil, edible oil, white oil, liquid petrolatum or combinations thereof.
6. (Original) The composition of claim 1, further comprising at least one histidine.
7. (Previously Amended) The composition of claim 6, wherein the at least one histidine is a histamine hydrochloride.
8. (Previously Amended) The composition as in claim 7, wherein said histamine hydrochloride is a dihydrochloride.
9. (Original) The composition as in claim 7, wherein said histidine is selected from the group comprising: L-histidines, histamine dihydrochloride, DL-histidine, D-histidine hydrochloride monohydrate, L-histidine hydrochloride monohydrate, L-histidine methyl ester dihydrochloride, L-histidinol dihydrochloride and combinations thereof.
10. (Original) The composition of claim 7, wherein said histidine has a weight percent between about 0.001% up to about 1.0%.
11. (Previously Amended) The composition of claim 10, wherein said histidine has a weight percent between about 0.025% up to 0.10%.
12. (Original) The composition of claim 1, wherein said capsaicin is selected from the group: nordihydrocapsaicin, capsaicin, dihydrocapsaicin, homocapsaicin, and combinations thereof.
13. (Original) The composition as in claim 1 wherein said capsaicin is in the range of 0.0001% to 62% by weight of capsaicin.
14. (Previously Amended) The composition of claim 13, wherein said capsaicin is in the range of 0.025 to 20 wt. %.

15. (Previously Amended) The composition of claim 14, wherein said capsaicin is in the range of 0.025 to 2 wt. %.
16. (Previously Amended) The composition as in claim 15, wherein said capsaicin is in the range of 0.025% to 0.25% by weight.
17. (Previously Cancelled)
18. (Previously Cancelled)
19. (Previously Amended) The composition as in claim 1, wherein said ester is between 0.10 wt. % and 1.0 wt. %.
20. (Currently Amended) The composition as in claim 1, wherein said ester is menthyl lauryl adequate to achieve 0.1 to 16 wt. % menthol in the formulation.
21. (Original) The composition of claim 19 wherein said ester is menthyl lauryl pidolate.
22. (Original) The composition of claim 1, wherein said light scattering element has a particle size of up to 100 microns in diameter.
23. (Original) The composition of claim 20, wherein said light scattering element has a particle size of between about 30 microns and about 60 microns in diameter.
24. (Original) The composition of claim 1, wherein said light scattering element is selected from the group: titanium dioxide, zinc oxide, and benzophenones, methoxy cinnamate, para amino benzoic acid, octyl dodecyl neopentanoate, aluminum stearate with titanium dioxide, aluminum oxide with titanium dioxide, and combinations thereof.
25. (Original) The composition of claim 1, further comprises an additional anti-itch agent which is a member of the group: methyl sulphonyl methane, sodium bicarbonate, calamine, allantoin, kaolin, cortisone, anti-inflammatory steroids, anti-allergic steroids and derivatives or combinations thereof.
26. (Currently Amended) A patch for treating arthritis and neurological pains consisting of an elastomeric adhesive unit on which is disposed a formulation comprising:

a carrier;

a an encapsulated capsaicin;

an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;

a histidine;

lauryl methyl esters of amino acid ; and

polysorbitol.

27. (Currently Amended) A gel comprising:

a carrier;

a an encapsulated capsaicin;

an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;

lauryl methyl esters of amino acid;

a light scattering element having a particle size up to 100 nm; and

benzyl alcohol.

28. (Previously Amended) The gel of claim 27, further comprising a histidine.

29. (Currently Amended) A sunscreen comprising:

a carrier;

a an encapsulated capsaicin;

an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;

- lauryl methyl esters of amino acid;
- a light scattering element having a particle size up to 100 nm; and
- benzyl alcohol.
30. (Previously Amended) The sunscreen of claim 29, further comprising histidine.
31. (Currently Amended) A cream for treating pruritis comprising:
- a carrier;
- a an encapsulated capsaicin;
- an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;
- lauryl methyl esters of amino acid;
- a light scattering element having a particle size up to 100 nm; and
- benzyl alcohol.
32. (Previously Amended) The cream of claim 31, further comprising histidine and polysorbitol.
33. (Currently Amended) A transdermal application comprising:
- a carrier;
- a an encapsulated capsaicin;
- an encapsulation agent for the capsaicin, wherein the encapsulation agent consists of a colloidal oatmeal or a dipotassium glycyrrhizinate;
- lauryl methyl esters of amino acid;
- a light scattering element having a particle size up to 100 nm;

niacin;

histimine dicholoride; and

polisorbitol polysorbitol.

34. (Original) The composition of claim 1, further comprising aloe.
35. (Previously Amended) The composition of claim 3, further comprising aloe.

Applicant believes no new matter has been added with these amendments.